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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
YAAKOV KATZ, on behalf of himself and all  
others similarly situated,

Case No.: 12-cv-0146 (KMW)

Plaintiff,

**NOTICE OF DISMISSAL**

v.

M&T BANK CORPORATION

Defendant.  
-----X

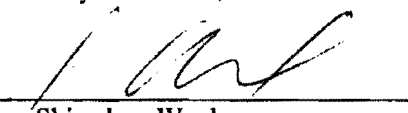
**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

Pursuant to Fed. R. Civ. P. 41 Plaintiff hereby stipulates to and gives notice of the dismissal of the above-entitled and numbered action with prejudice as to Plaintiff and without prejudice as to the rights of the unnamed putative class members.

Dated: New York, New York  
February 1, 2012


**The Clerk of Court is directed  
to close this case. Any pending  
motions are moot.**

Respectfully Submitted,

By:   
Shimshon Wexler

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2-3-12  
SO ORDERED:

  
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